

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Roy SYKES, et al.
Application No.: 10/825,502
Filed: April 15, 2004
Title of Invention: **METHODS AND SYSTEMS FOR UPDATING WEB
PAGES VIA A WEB DATA INSTANT UPDATE
UTILITY**
Examiner: VY, Hung T.
Group Art Unit: 2163

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Commissioner for Patents
P.O. Box 1450
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REPLY BRIEF

Sir:

This is a Reply Brief under the provisions of 37 C.F.R. §41.30 et seq. in response to the Examiner's Answer mailed on November 15, 2007. This Reply Brief is filed in compliance with the requirements set forth in 37 CFR §41.41 and includes all of the items specified by MPEP 1208 with each item starting on a separate page.

Status of Claims Page

Claims 1-15 are pending and all have been rejected.

No claims have been canceled.

No claims have been allowed.

No claims have been withdrawn.

Claims 1-15 are hereby appealed.

Grounds of Rejection to be Reviewed on Appeal Page

- a) Claims 1-15 stand rejected under 35 U.S.C. § 101.
- b) Claims 1-3, 7, 9, 12, and 14-15 stand rejected under 35 U.S.C. § 102(b) as anticipated by Skok (2002/00911725).
- c) Claims 4-6 and 10 stand rejected under 35 U.S.C. § 103(a) as obvious over Skok (2002/00911725) in view of Ries (2003/0023632).
- d) Claims 8 and 13 stand rejected under 35 U.S.C. § 103(a) as obvious over Skok (2002/00911725) in view of Sutherland (2002/0120757).
- e) Claim 11 stands rejected under 35 U.S.C. § 103(a) as obvious over Skok (2002/00911725) in view of Cochran (2004/0030697).

Argument Page*The Rejection of Claims 1-15 Under 35 U.S.C. § 101*

The Examiner's withdrawal of the rejection of claims 1-15 under 35 U.S.C. § 101 on page 7 of the Examiner's Answer is noted.

The Rejection of Claims 1-3, 7, 9, 12, and 14-15 Under 35 U.S.C. § 102(b) as Anticipated by Skok (2002/00911725)

On pages 11-12 of the Examiner's Answer, the Examiner alleges that replicating the change to the data on the quality assurance version of the at least one business data table from the quality assurance database server to the live version of the at least one business data table on the production database server, as recited in independent claims 1 and 15, means the same thing as copying and republishing and appears to assert that Applicants have admitted in the Appeal Brief that database replication is equivalent to copying and republication. With due respect, if that is the Examiner's assertion, it is incorrect. On the contrary, as pointed out on pages 7-8 of the Appeal Brief (and as discussed at length in the Specification of the Application, e.g., at p. 6, line 22-p. 7, line 13; p. 21, lines 11-22; and p. 22, lines 17-28), Applicants have consistently maintained that replication is a term of art that is well known to those skilled in the art as an entirely different process from mere copying and republishing that is clearly distinguishable from copying and republishing.

Regarding the Examiner's statement that the claims are to be given their broadest reasonable interpretation in light of the supporting disclosure, Applicants do not disagree. However, MPEP §2111 from which the statement is taken goes on to provide that "the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach" citing *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). As noted above, "replication" is a term of art that is well known to those skilled in the art to be entirely different from mere copying and republishing, and the Examiner's asserted interpretation of "replication" as used in claims 1 and 15 to be the same as "copying" is thoroughly inconsistent with the interpretation that those skilled in the art would reach.

Conclusion

It is respectfully submitted that the rejections of claims 1-15 are improper. Applicants respectfully request that the final rejection by the Examiner be reversed and that claims 1-15 be allowed.

Respectfully submitted,

Date: January 15, 2008

By: /s/John M. Harrington, Reg. #25,592/
John M. Harrington (Reg. No. 25,592)
For George T. Marcou (Reg. No. 33,014)

KING & SPALDING LLP
1700 Pennsylvania Avenue, NW
Washington, DC 20006-4706
(202) 737-0500